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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,614	02/05/2001	Christopher P. Bergh	10844-003001	6722
51414	7590	03/20/2006		
GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,614

Applicant(s)

BERGH ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 12/28/2005.
2. Claims 2-16 have been canceled.
3. Claim 1 is presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Langseth et al. (6,694,316 hereinafter Langseth).

With respect to claims 1-4, 6-8, 15-16, Langseth teaches a computer-controlled method for managing offers (abstract). Preparing data characterizing a plurality of

offers, each offer being associated with a targeted individual and one of a plurality of channels for presenting offers data to the target individual (Figure 2A); selecting from the plurality of offers a number of offers for presenting to the individuals associated with those offers, including for at least some individuals, selecting from multiple offers associated with each of those individuals (col. 8, lines 31-53); presenting the selected offers to the associated individuals over the associated ones of the plurality of channels (col. 8, lines 31 to col. 9, lines 18-26); the selection being based on a rule-based engine executing offer data processing rules to determine which sets of offer data can be sent to each of those individuals, the data processing rules including an internal set of pre-defined rules being selected from the group consisting of prioritization rules, selection rules, and time-based rules. Langseth teaches that the affiliate's system may selectively choose the subject matter of content to be delivered to their subscribers and that selection may be based on the business of the affiliates. For example, a golf web site may only desire to enable its subscribers to access a sports channel. The affiliates send the content of the offer to a personalized intelligence network (PIN) and the PIN determines which offers to output to the subscribers based on certain criteria of the customer (Figure 19, 916). The PIN governs the presentation of the advertisements provided to the subscribers based on subscriber information, the type of service or channel being run, the time of day, the time of year, and the like (see Figure 19 and col. 3, lines 41-45 and col. 27, lines 45-64).

Response to Arguments

5. Applicant argues that Langseth does not teach using pre-defined internal rules to control delivery of offers, thus allowing the offeror to effect control over the offer content delivered to the offeree, through which channel is offered, and when it is sent. The Examiner respectfully disagree with Applicant because langseth teaches on col. 27, lines 45-64, a second set of information or offers/advertisements selected and determined by the affiliates or offerors "affiliate advertisements may be included in the service outputs. Affiliate advertisements may be advertisements about the affiliate or advertisements sold by the affiliate to a third party entity. For example, a newspaper may be an affiliate to enable its subscribers to subscribe to a news channel on the PIN. The newspaper may either run an advertisement in a service output for that newspaper or may sell a spot to a third party, such as a restaurant, hotel, etc. In either event, the affiliate may select an advertisement and supply the advertisements to the PIN to be included in service output. **The advertisement selected may also be personalized based on predetermined criteria including the subscriber information, the type of service or channel being run, the time of day, the time of year, and the like**". As stated above in Langseth, the advertisements are control by the affiliates, the affiliates use pre-defined internal rules or criteria to determine and personalize the advertisements based on the subscriber's information what advertisements to present to the subscribers and the best time and delivery method to use to deliver the advertisements to the subscribers.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

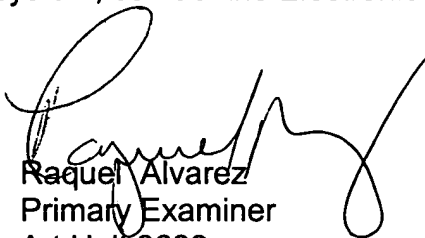
Point of contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
3/7/2006